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## Kant's Cosmopolitan Patriotism\*

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In 1726, the patriotic society of Hamburg issued a commemorative coin. On one side, we see Minerva, the goddess of the liberal arts, in embrace with Amalthea, the goddess of abundance. Above this image we read “Civium felicitati” and below it “PATRIOTA HAMB.[urgiensis]” – that is, the patriot of Hamburg strives to promote the happiness of its citizens. On the other side, we see the face of Socrates and, surprisingly, the word “COSMOPOLITES”.<sup>1</sup> Why would the patriots of Hamburg choose to celebrate a cosmopolitan? How can cosmopolitanism and patriotism be two sides of one coin?

We find a similar puzzle in Kant's writings. In the *Reflexionen* on Anthropology, he speaks of a “national delusion” (*Nationalwahn*), by which he means the illusion that one's own nation is inherently superior to others. Kant states that this delusion should be “eradicated” and replaced by “patriotism and cosmopolitanism” (XV, Refl. 1353, 591). In the *Metaphysics of Morals Vigilantius* – lectures Kant probably gave in 1793–94 – he curiously speaks of “world patriotism and local patriotism,” and says that “both are required of the cosmopolitan” (XXVII.2.1, 673–4).

Many people assume that cosmopolitanism is incompatible with patriotism. In current debates, patriotism is sometimes used as a synonym for nationalism,<sup>2</sup> or it is said to be “very close to jingoism”.<sup>3</sup> Cosmopolitanism, on the other hand, is often equated with rootlessness and the denunciation of family, community, and country.<sup>4</sup> One finds similar views already in the eighteenth century. The dictionary of the French Académie defines a cosmopolitan as follows: “He who does not adopt a

\* Abbreviations used: F = *Foundations of the Metaphysics of Morals*, MM = *Metaphysics of Morals*, MM Vig = *Metaphysics of Morals Vigilantius*, PP = *Perpetual Peace*, TP = *On the Common Saying: “This May Be True in Theory but It Does not Apply in Practice”*. Page references are to AA, translations are my own.

<sup>1</sup> Hans Hubrig: *Die patriotischen Gesellschaften des 18. Jahrhunderts* (Diss. Göttingen, 1950), Appendix I to p. 20.

<sup>2</sup> Stephen Nathanson: Nationalism and the Limits of Global Humanism. In: Robert McKim, Jeff McMahan, eds.: *The Morality of Nationalism*. Oxford: Oxford University Press 1997, 176–187, here p.178.

<sup>3</sup> Martha C. Nussbaum: Patriotism and Cosmopolitanism. In: Martha C. Nussbaum et al.: *For Love of Country: Debating the Limits of Patriotism*, ed. Joshua Cohen. Boston: Beacon Press, 1996, 2–17, here p.14.

<sup>4</sup> Benjamin R. Barber: Constitutional Faith. In: Nussbaum et al.: *For Love of Country*, 30–37; Gertrude Himmelfarb: The Illusions of Cosmopolitanism. In: Nussbaum et al.: *For Love of Country*, 72–77.

country. A cosmopolitan is not a good citizen" (1762, 4th ed.). Rousseau, in the Geneva Manuscript version of *The Social Contract*, writes that cosmopolitans "boast that they love everyone [*tout le monde*, which also means 'the whole world'], to have the right to love no one."<sup>5</sup> Similar statements can be found in Germany, for example, in the work of Johann Georg Schlosser.<sup>6</sup>

But while there are eighteenth-century self-identified patriots who denounce cosmopolitanism in the name of patriotism, it is much harder to find cosmopolitans who denounce patriotism. In fact, most cosmopolitans regard themselves as patriots, and this is also true of Kant. This, then, raises the question of whether Kant can combine patriotism and cosmopolitanism consistently, and if so, how.

Kant's views on patriotism have hardly been discussed in the literature.<sup>7</sup> And while several contemporary authors have asserted that Kantian cosmopolitanism can indeed be reconciled with patriotism, these authors do not take account of the details of Kant's own position nor are they sufficiently attentive to the different forms patriotism can take.<sup>8</sup>

<sup>5</sup> Jean-Jacques Rousseau: *Du Contrat Social*, Manuscrit de Genève. In: *Oeuvres complètes*, ed. Michel Launay, Vol. 2. Paris: Éditions du Seuil, 1971, p. 395. Cp. *Émile ou de l'Éducation*. In: *Oeuvres complètes*, ed. Michel Launay, Vol. 3 (Paris: Éditions du Seuil, 1971), p. 21.

<sup>6</sup> Schlosser: Der Kosmopolit. In: *Deutsches Museum* 1777/I, 106: "Wem alles zu Hause wohl steht, oder wem's zu Hause nicht mehr gefällt, oder wer keine Heimat hat, der werde ein Kosmopolit! – Wer's ist, nie in meinem Vaterlande! Der Jedermannsbürger ist ein Jedermannsfreund. Patriotismus hebt die Menschenliebe nicht auf; aber Menschenliebe und Vaterlandsiebe müssen untergeordnet sein. Stolz auf seine Nation seyn, ist besser als keine haben; und die andern Nationen, im Gefühl seiner Freyheit und seines Werths, verachten, ist besser als den andern dienen, oder den andern nachäffen."

<sup>7</sup> As far as I know, there are only two recent essays that deal with the topic: Manfred Riedel: Menschenrechtsuniversalismus und Patriotismus: Kants politisches Vermächtnis an unsere Zeit. In: *Politik und Ethik*, ed. Kurt Bayertz. Stuttgart: Reclam, 1996, 331–361; and Georg Cavallar: *Kant and the Theory and Practice of International Right*. Cardiff: University of Wales Press: 1999, 132–145. Riedel provides a very instructive overview of the relevant passages in Kant's work. Cavallar discusses Riedel's essay and draws insightful parallels between Kant's discussion of patriotism and the current debate about 'constitutional patriotism'.

<sup>8</sup> Marcia Baron argues that it is not inconsistent to accept an impartial conception of morality while believing patriotism to be a virtue. But when she specifies what it means for patriotism to be a virtue, this is always in terms of the *permissibility* of patriotism, not its being a duty. (Marcia Baron: Patriotism and 'Liberal' Morality. In: *Mind, Value, and Culture: Essays in Honor of E. M. Adams*, ed. David Weissbord. Atascadero: Ridgeview, 1989, 269–300.) Alan Gewirth shows that ethical universalism can justify certain kinds of ethical particularism, one of which is patriotism. He provides the basic model for a justification of patriotism, but despite his explicit intentions, he does not address the question whether patriotism is required or permissible or both. This latter problem is also found in Stephen Nathanson, "In Defense of 'Moderate Patriotism.'" (See, Alan Gewirth: Ethical Universalism and Particularism. In: *Journal of Philosophy* 85, 1988, 283–302; and Stephen Nathanson: In Defense of 'Moderate Patriotism'. In: *Ethics* 99, 1989, 535–552.) I discuss the compatibility of patriotism with recent 'Kantian' (including Rawlsian) political theory in my essay, Kantian Patriotism, in: *Philosophy and Public Affairs* 29 (2000), 313–341.

I will argue that a full answer to the question of the compatibility of cosmopolitanism and patriotism in Kant's thought needs to be more complex than the accounts offered thus far. For as it turns out, Kant defends two different kinds of patriotism, and perhaps even a third, and the question of whether Kant does or could consistently defend patriotism should therefore be subdivided accordingly. Moreover, a complete account should answer the question of when, on Kant's view, patriotism is prohibited, when it is permissible, and when it is a duty.

I start with a brief overview of Kant's cosmopolitanism. This can be brief, because I take the main outlines of this part of his thought to be well-known.

### *I. Cosmopolitanism in Kant's Work*

In Kant's work, we find cosmopolitanism in two domains. Kant is first of all a moral cosmopolitan. Moral cosmopolitanism is the view that all human beings are members of a single moral community, and that they have moral obligations to others regardless of their nationality, language, religion, customs, and so on. Given that Kant defends the view that all human beings – broader still, all rational beings – belong to a single moral community, and that all humans are to be regarded as “citizen[s] of a supersensible [moral] world” (PP VIII, 350, n.), Kant is clearly a moral cosmopolitan.

In the context of moral theory, this talk of world citizenship should be read analogically. It refers to membership in a moral community, rather than to political citizenship in a transnational state. The analogy between “citizens” in the moral world and political citizens is that in both cases, the individuals so designated are free and equal co-legislators in their respective communities.

Kant also defends a political version of cosmopolitanism. Two aspects of his political philosophy are relevant here: his well-known theory of the league of states, and the less familiar doctrine of ‘cosmopolitan law’. Consider first Kant's account of peaceful international relations.<sup>9</sup> In *Perpetual Peace* and the *Metaphysics of Mor-*

<sup>9</sup> This account actually developed in two stages. Before *Perpetual Peace*, Kant advocates the establishment of a world federation with coercive powers. In his essay, *Idea for a Universal History from a Cosmopolitan Point of View* (1784), he argues for a “cosmopolitan situation,” which would arise if states formed a federation “similar to a civil commonwealth” (VIII, 25), and submitted themselves to common laws and a common authority to enforce these laws. He calls such a league a “great political body” in which every member state receives its security and rights from a “united power and from decisions in accordance with the laws of a united will” (VIII, 24, 28). In *On the Common Saying*, it seems that Kant's view is in transition, because here he advocates both a federative world state with coercive powers and a non-coercive federation of states. (See TP VIII, 310–311 and 312–313, and my book, *Fortschritt und Vernunft: Zur Geschichtsphilosophie Kants*. Würzburg: Königshausen und Neumann, 1995, 50–61.) In this essay, I focus on Kant's later view, as defended in *Perpetual Peace* and the *Metaphysics of Morals*, which is that the league should not have coercive powers.

als, Kant argues that states ought to leave the state of nature and join a league of states that promotes peace.<sup>10</sup> This league should not have coercive power to enforce its laws. States should retain their full independence and only voluntary compliance with the laws should be required.<sup>11</sup>

In the same two books, Kant also adds a new category of public law, namely, cosmopolitan law (*Weltbürgerrecht*). Whereas international law is the law between states, cosmopolitan law regulates the interaction between states and foreigners, insofar as their interaction is not regulated by legitimate treaties between those states.<sup>12</sup> According to cosmopolitan law, states and individuals have the right to attempt to establish relations with other states and their citizens, but not a right to enter foreign territory. States, for their part, have the right to refuse visitors, but not violently and not if rejecting them results in their death (PP VIII, 358). Strangers have the right to 'hospitality,' which is the right "not to be treated with hostility because of [their] arrival on someone else's soil" (PP VIII, 358). No one has a right to *settle* on the soil of another people, except when permitted through a treaty. Much of Kant's discussion of cosmopolitan law is a strong critique of colonialist practices; he also anticipates some of the refugee rights laid down in twentieth-century international law.<sup>13</sup>

<sup>10</sup> E.g., PP VIII, 356. While Kant calls this federation a "Völkerbund" [league of peoples], he does not mean a league of peoples, but of states. He explicitly remarks that the concept "Völkerrecht" would properly be called "Staatenrecht" (MM VI, 343). In order to avoid terminological confusion, I will use the word 'state' instead of 'people' or 'nation' when the juridico-political entity is meant.

<sup>11</sup> On Kant's conception of international law and peace, see Volker Bialas and Hans-Jürgen Häßler, eds.: *200 Jahre Kants Entwurf "Zum ewigen Frieden"*. Würzburg: Königshausen und Neumann, 1996; James Bohman and Matthias Lutz-Bachmann, eds.: *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*. Cambridge, MA: MIT Press, 1997; Volker Gerhardt: *Immanuel Kants Entwurf "Zum ewigen Frieden": Eine Theorie der Politik*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1995; Otfried Höffe, ed.: *Immanuel Kant, Zum ewigen Frieden*. Berlin: Akademie Verlag, 1995; Klaus-Michael Kodalle, ed.: *Der Vernunftfrieden: Kants Entwurf im Widerstreit*. Würzburg: Königshausen und Neumann, 1996; Reinhard Merkel and Roland Wittmann, eds.: *Zum ewigen Frieden: Grundlage, Aktualität und Ausichten einer Idee von Immanuel Kant*. Frankfurt/M: Suhrkamp, 1996.

<sup>12</sup> On Kant's conception of cosmopolitan law, see Reinhard Brandt: *Vom Weltbürgerrecht*. In: Höffe: *Immanuel Kant: Zum ewigen Frieden*, 133–148, and my article: *Kant's Cosmopolitan Law: World Citizenship for a Global Order*. In: *Kantian Review* 2, 1998, 72–90.

<sup>13</sup> Despite this, some of Kant's writings contain racist remarks that give us reason to doubt whether Kant regarded members of non-European 'races' as capable of moral autonomy and hence as having full moral standing. As is the case with Kant's views on women, there is an unresolvable tension between what Kant says about "human beings" and "rational beings" in general, and what he says about the capacities of 'Negroes,' 'Indians,' and 'Americans,' in particular. For excellent discussions of the racism in Kant's work, see Mark Larrimore: *Sublime Waste: Kant on the Destiny of the 'Races'*. In: *Civilization and Oppression*, edited by Catherine Wilson. Alberta: University of Calgary Press, 1999, 99–125; and Robert Bernasconi: *Kant as an Unfamiliar Source of Racism*. In *Philosophy on Race*, ed. Tommy Lott and Julie Ward. Oxford: Blackwell 2002.

## II. Patriotism in Kant's Work

Kant's moral and political cosmopolitanism raises the question as to whether it leaves any room for patriotism at all. If all humans, as moral persons, belong to a moral community that transcends national boundaries, it might seem that compatriots and foreigners ought to be treated alike. Furthermore, the establishment of an international league of states and the rights of foreign visitors play such an important role in Kant's political theory that it may seem that they leave no theoretical space for a defense of patriotism. In what follows, I first look at the kinds of patriotism that Kant defends and then examine his arguments in more detail.

### A. Civic Patriotism

Several passages in Kant's published work show that he defends patriotism. In *On the Common Saying*, for example, he contrasts 'paternal' and 'patriotic' governments, calls the first kind 'despotic,' endorses the second kind, and characterizes patriotism as a way of thinking according to which the state is the "commonwealth," governed not by a despot but by the rule of law, and in which legislation occurs in accordance with the general will (VIII, 291). Elsewhere, Kant makes the same point, while also affirming the equality and independence of all citizens (*Reflexion* R 7771, Refl. Rechtsphilosophie XIX, 511; cp. also MM VI, 317).

Kant defines the term 'patriotism' in different contexts, but this is always in a discussion of the essence of republicanism. Both in *On the Common Saying* and in the *Metaphysics of Morals*, the concept of patriotism is explained by contrasting it with despotism. Specifically, we find it in *On the Common Saying* in the section on freedom, and in the *Metaphysics of Morals* in the section on independence (TP VIII, 291; MM VI, 317). Elsewhere, Kant introduces it in connection with a reference to equality (XIX, Refl. 7771, 511; MM 343). Kant thus introduces the notion of patriotism in the contexts of discussing all three of the central ideas of his republicanism: freedom, equality, and independence. For Kant, patriotism and republicanism are clearly linked.

Kant sometimes mentions patriotism as an attitude on the part of the state and sometimes as one on the part of the citizen, and the two are connected (cp. TP VIII, 291). True patriotism on the part of the citizen involves regarding oneself as a co-legislating member of the state, and not as merely its property. True patriotism on the part of the state requires that the state treat the citizen accordingly. Obviously, then, there can be no true patriotism on the part of the citizen unless there is also patriotism on the part of the state, as it makes little sense for the citizen to regard himself<sup>14</sup> as a co-legislating member of the state if the state does not (R 7771, XV, 511).

<sup>14</sup> As is well known, Kant excluded women from the right to be active citizens, MM VI, 314–5.

What exactly is implied by the citizen's regarding himself as a 'member' of the state is a question I will turn to below.

We here find Kant defending a modified form of civic patriotism found in the republican tradition.<sup>15</sup> 'Patriotism' is the term for identification with and civic activity on behalf of the political commonwealth. This can take many different forms and may range from governing the republic or defending it to promoting the well-being of its citizens.<sup>16</sup> The republic (*res publica*, commonwealth) is regarded as serving the common political good of the citizens. The citizens are regarded as free and equal individuals (and, often, as male and propertied). Civic patriotism does not imply the notion of a nation in an ethnic sense. Thus, it is not in principle (conceptually) impossible to give up one's citizenship in one state in favor of that in another, although it depends on immigration and emigration laws whether it is a real option. Finally, civic patriotism does not require that one abstain from criticism of the republic's institutions. Indeed, many eighteenth-century authors present their *criticisms* of social and political practices as an indication of their patriotism, since they intend to enhance the quality of the republic by calling for reforms.<sup>17</sup>

### B. Nationalist Patriotism

Surprisingly, Kant also defends a second form of patriotism, namely, nationalist patriotism. Nationalist patriotism focusses not on the political commonwealth in which one is a citizen, but on the national group to which one belongs. Accordingly, it defends patriotism not in terms of citizenship, but in terms of membership in a nation. There is a passage in the *Metaphysics of Morals* *Vigilantius* in which Kant claims that common national ancestry leads (and *should* lead) to patriotism. It is a peculiar kind of nationalist patriotism, however, since in the same passage Kant also defends the view that all humans descend from common ancestors and that this justifies and necessitates cosmopolitanism. Thus, common ancestry is presented as the basis of a duty of love for one's co-nationals *and* of a duty of general love of humans (XXVII. 2,1, 673):

<sup>15</sup> For a good description of the history of this form of patriotism (albeit with a purist contention that it is the only true form of patriotism), see Maurizio Viroli: *For Love of Country: An Essay on Patriotism and Nationalism*. Oxford: Clarendon Press, 1995.

<sup>16</sup> 'Patriotic' and 'for the common good' are therefore often used synonymously. See also the goals expressed in the full (French!) name of the (German) "Société patriotique de Hesse-Hombourg pour l'encouragement des connaissances et des mœurs" (1776). See, Rudolf Vierhaus, ed.: *Deutsche patriotische und gemeinnützige Gesellschaften*. München: Kraus International, 1980, and Hans Hubrig: *Die patriotischen Gesellschaften des 18. Jahrhunderts* (see note 1 above).

<sup>17</sup> See, e.g., the Patriotische Phantasien eines Württembergers. In: *Deutsches Museum* 1781/II, 18–27.

Patriotism, the love of one's country, and cosmopolitanism belong [in the category of general love of others] too. In both the determination to love others is based on common ancestry: but the first is local, and is love of one's country in the true sense when it is aimed at the united society of the people (*vereinigte Volksgesellschaft*), which we regard as our trunk/tribe (*Stamm*), and of which we regard ourselves as a branch/member (*Glied*); or it is aimed at the general global ancestry (*allgemeine Weltabstammung*) [viz., cosmopolitanism].

Kant goes on to argue that patriotism and cosmopolitanism are required as duties of benevolence (p. 673–4). I show below that this particular argument is flawed. For now it suffices to note that Kant does defend a form of nationalist patriotism.

### C. Trait or Quality-based Patriotism

A third kind of patriotism is the love of one's country that results from one's experience of particular traits or qualities it happens to have. Kant himself may have been a German patriot in this sense. Entirely failing to foresee the development of German nationalism in the subsequent century-and-a-half, Kant claims that Germans are by nature cosmopolitans. They recognize the merits of other peoples sooner than their own; they are made to gather and reconcile the good aspects of all nations; and they are more hospitable towards strangers than other nations (XV, Refl. 1351, 1352, 1354; Anthr. VII 317–8). In other words, the Germans exhibit many of the traits that Kant values highly. It would thus be possible for someone with Kant's views to love Germany because of the alleged cosmopolitan character of the Germans, although, to my knowledge, Kant himself nowhere says that he does.

It might seem contradictory to see cosmopolitanism as grounds for patriotism, but on closer examination it is not per se incoherent to love one's country because of the praiseworthy characteristics of its inhabitants. In fact, this patriotic cosmopolitanism or cosmopolitan patriotism was defended by a number of Kant's contemporaries. It is the position defended by Wilhelm von Humboldt, Schiller, Novalis, and the Schlegel brothers, among others, before this sense of pride in German distinctiveness turned into a sense of superiority early in the nineteenth century, eventually underwriting aggressive nationalism.<sup>18</sup>

### III. Justifications of Patriotism as a Duty

As is easy to see, these three kinds of patriotism are not necessarily mutually exclusive. For example, it is not conceptually incoherent to be a civic patriot *and* also love one's country because of its characteristics, *and* argue that one has special duties to the members of one's nation. This particular combination presupposes

<sup>18</sup> See, with nationalist bias, Friedrich Meinecke: *Cosmopolitanism and the National State*, trans. Robert B. Kimber. Princeton: Princeton University Press, 1970 [orig. German ed. 1907], 45–6, 55, 61–2.



that the borders of one's nation and republic coincide, which is in most situations not the case, but that is an empirical, not conceptual matter. Whether the different kinds of patriotism exclude each other depends on further details.

This taxonomy of patriotisms also shows that the *scope* of patriotism can be local, regional, state-wide, or even wider, depending on what one defines as the *patria*. Much of eighteenth-century German patriotism was centered around political units much smaller than Germany as a whole, since Germany was a loose political association of hundreds of sovereign territories, cities, and semi-autonomous regions, united under the holy Roman emperor. One could be a Hamburg patriot, a Prussian patriot, or a German patriot.

Furthermore, the taxonomy itself does not determine what these forms of patriotism entail practically for one's attitude towards non-compatriots. Each of the three varieties can degenerate into militant fanaticism, and each can weaken into a faint sentiment without practical significance. In the first case patriotism clearly excludes cosmopolitanism, and in the second case the two are trivially compatible. What matters here is what lies between these two extremes.

Therefore, we now have to turn to the following set of questions. Can Kant consistently defend patriotism at all? And how exactly does it relate to his moral and political cosmopolitanism, especially to the common membership of all moral persons, regardless of their political citizenship, in the moral "realm of ends"? For example, if one pays taxes to help support fellow citizens who are poor (MM VI, 326), isn't that unfair to the rest of the world's poor? Doesn't moral cosmopolitanism, motivated as it is by universalism and impartiality, demand that citizenship be regarded as insignificant? Similar questions could be asked with regard to conationality or trait-based love of country.

It would be easy to answer these questions, at least as far as civic and trait-based patriotism are concerned, if Kant were to advocate the creation of a world state. In the ideal world, one's country and the world republic would then coincide, and this would eliminate the room for conflict, at least at the level of the theoretical ideal.

But this answer is unsatisfactory as soon as one thinks of the non-human finite rational beings that Kant famously allows for (possible inhabitants of other planets, for example). Furthermore, in his mature political philosophy, Kant rejects the ideal of a world state and advocates the formation of a voluntary federation of states without coercive powers. He regards the existing plurality of states as justified and expects it to continue. Moreover, he also believes that there is a plurality of nations, and he even thinks that it is probably best to keep the differences between nations intact (Anth VII, 320). So the questions remain whether patriotism can be justified in Kantian terms, and whether there are situations in which patriotism and cosmopolitanism pull in opposite directions, and these questions need to be addressed at a more fundamental level.

The fact that all humans, *qua* rational beings, are assumed to have equal moral standing does not mean that all should be treated exactly the same. One's *perfect* duties do involve certain requirements that one owes to all, and to all equally. For

example, one ought not to lie to others, whoever and wherever they are, and regardless of whether doing so would be beneficial to others with whom one stands in a special relationship. But one's *imperfect* duties allow for latitude as to how and to what extent one discharges them. Duties such as the duty to help others in need or the duty to promote the general happiness require one to adopt certain *maxims*; these duties do not state specific acts, and the decision of what to do is left up to the agent.<sup>19</sup> So one might think that this latitude could be used to justify patriotism, and that the fact that one cannot help all, and that one has to narrow one's focus anyway, allows one to focus one's beneficence on one's compatriots or co-nationals.

Kant says little about how exactly to discharge one's imperfect duties. He regards this a matter of judgment, and he explicitly denies that it is possible to determine *in abstracto* how others should discharge their imperfect duties (MM VI, 433, n.). To say that imperfect duties allow for latitude is to say precisely that there is no moral rule that prescribes specific actions in abstraction from the particulars of the situation, and so there is no other recourse than moral judgment.

Yet the inference that this latitude would allow one to decide to focus one's beneficence on one's compatriots or co-nationals begs the question.<sup>20</sup> It needs to be shown whether this latitude allows for preferential treatment on the basis of co-nationality or co-citizenship or whether such preference would constitute a form of reproachable discrimination against others. I will here approach this issue by first examining Kant's justification of the state, because his defense of civic patriotism requires understanding his view of the just republic.

#### A. Civic Patriotism

Kant argues that it is normatively required that all individuals who interact with others be members in a state. He holds that all humans have an innate and equal right to external freedom, and that there should therefore be a system according to which the freedom of each can coexist with the freedom of all others. In the absence of a just legal system with coercive authority, no one can be guaranteed to be secure against violence by others (MM VI, 312). This is not because people in the state of nature are necessarily hostile towards each other. Kant explicitly states that the requirement to establish a just state also holds when we assume that people in the state of nature are "good-natured and justice-loving" (*gutartig und rechtsliebend*,

<sup>19</sup> For a good account of the distinction between perfect and imperfect duties, see Thomas E. Hill, Jr.: *Dignity and Practical Reason in Kant's Moral Theory*. Ithaca: Cornell University Press, 1992, 147–175. On the issue of latitude, see also Marcia W. Baron: *Kantian Ethics Almost Without Apology*. Ithaca: Cornell University Press, 1995, 88–107.

<sup>20</sup> In the absence of any such argument, one cannot provide an adequate reply to Paul Gomberg's challenge that nationalist patriotism is as wrong as racism. See Paul Gomberg: Patriotism is Like Racism. In: *Ethics* 101, 1990, 144–150.

ibid.). Thus, the argument does not hinge on particular anthropological claims about human psychological propensities.

It is not entirely clear exactly what Kant sees as the key problem in the state of nature. Sometimes it seems that he holds that when individuals themselves determine what is right and seek to get it, they may unknowingly encroach on the rights of others. At other times it seems that he regards as the problem that people may not be able to secure their rights when they have to do so themselves (without state power to back them up). And sometimes it seems that the mere possibility of rights violations – a possibility given with the assumption of human freedom – is enough to motivate the requirement to establish a just state. For the purposes of this paper it is not important to explore these interpretative difficulties, because all of these interpretations share the core idea that justice cannot be impartially administered in the state of nature. Hence, people ought to join those with whom they interact, submit to common public laws and law enforcement, and thus form a state that will administer justice (MM VI, 236–7, 255–7, 264–6, 311–3; MM Vig, XXVII. 2.1, 528).<sup>21</sup>

It is important to note that Kant's view here is neither that people should choose to live in a just state because it is in their interest to do so, nor that the people's free consent is what gives the state its normative authority. Rather, his view is that every human being has a fundamental ('innate') right to freedom, and that this right should be backed up by the coercive power of a state which justly enforces the laws that lay down how far that freedom extends. This does not rule out that it is also in people's interest to form a just state or that they consent to membership in it. But these factors are not the reason why it is morally required to establish a just state.

On Kant's view, the just state is a 'republic,' in which the citizens are free, equal, and independent<sup>22</sup> co-legislators. All 'active' citizens have the right to vote, but their legislative activity is to take place via their representatives: "Any true republic is and can be nothing but a representative system of the people, in order to protect its rights in its name, by all the citizens united and acting through their delegates (deputies)" (MM VI, 341, cp. VI, 319, 322). In order to avoid abuses, a republic should separate the legislative, executive, and judicial functions of government (MM VI, 315–7).

This kind of state implies certain duties on the part of the citizen toward the state. Why this is so is best brought out by contrasting the republic with a despotic state. A despotic state may function even if its subjects try to retreat into their own private projects as much as possible and make it their principle to disregard the state as much as they can. These subjects are not an integral part of the workings of the

<sup>21</sup> For a more detailed discussion see, Wolfgang Kersting: *Wohlgeordnete Freiheit: Immanuel Kants Rechts- und Staatsphilosophie*. Frankfurt am Main: Suhrkamp, 21993. See also Howard Williams: *Kant's Political Philosophy*. Oxford: Blackwell, 1983, and Allen D. Rosen: *Kant's Theory of Justice*. Ithaca: Cornell University Press, 1993.

<sup>22</sup> This third characteristic underlies Kant's rightly infamous distinction between active and passive citizens.

state. They may be necessary to provide the state with wealth (through taxation), but if the state has independent resources, such as mines, it may in principle do fine even without any involvement on their part.<sup>23</sup>

By contrast, Kant defines citizens in a republic as “members of a society who are united for giving law” (MM VI, 314). The description of the ‘active’ citizen as a free and equal, co-legislating member of the republic implies that a republic can exist only when its citizens support and are involved in its core institutions. Citizens ought not to treat the republic as a mere instrument for their own benefit, because given that the state is conceived as the united body of the citizens, this would come down to treating their fellow citizens as mere means. Thus, in *On the Common Saying*, Kant mentions as one of the characteristics of the patriotic attitude that one regards oneself as prohibited from subjecting the commonwealth to one’s arbitrary personal purposes and using it at one’s discretion (TP VIII, 291).

What activities civic patriotism requires of one will depend on the situation and on one’s abilities. We are here dealing with an imperfect duty, and no precise list can be given of what exactly needs to be done under what circumstances. At a minimum, it includes voting and staying informed. But regarding oneself as a “member” of the commonwealth may also lead to other activities on its behalf, such as participating in public debate about policies or promoting enlightened education. All these things and more are necessary to maintain a just state and to maintain and improve an imperfectly just one.

Clearly, the argument above does not justify directing one’s moral and political efforts entirely towards one’s compatriots while disregarding the needs of others. The duty of civic patriotism is the duty to promote the functioning and improvement of the republic as an institution of justice. It is not originally a duty to support one’s compatriots but, rather, a duty to promote the institutionalization of justice. It is likely that there will be cases in which one’s compatriots receive certain benefits as a result, but this is then not simply because they are one’s compatriots but rather because they are members in the just republic that one ought to sustain and support as an institution of justice.

This shows that Kant can indeed consistently defend the view that citizens have special duties towards the just state of which they are citizens, duties they do not have towards other states or their members. Ruling out *any* form of special treatment of one’s own just republic would come down to requiring a world in which one were not allowed to form just republics at all, and this would render justice with regard to external freedom impossible.

But showing that civic patriotism is an imperfect duty is not enough to show that this duty can also be reconciled with our general cosmopolitan duty towards other moral persons. Someone might suspect that we here face a conflict of duties, despite Kant’s notorious assurance that such conflicts do not exist (cp. MM VI, 224).

<sup>23</sup> What the duties are of a person in a despotic state is a complicated issue that I do not pursue here.

Here, Kant's reply could be threefold. First, our imperfect duty of civic patriotism does sometimes have to yield to our moral cosmopolitan duties, namely, when the latter are perfect duties. I should not procure the money for paying my taxes by stealing, because that would indeed be unjust. But imperfect duties have to yield to perfect ones, and therefore there is no true conflict between these two kinds of duty.

Second, Kant could point to the fact that the very same duty of patriotism symmetrically applies to people in other just republics elsewhere in the world: they have a civic patriotic duty to their own just republic. What is more, Kant regards civic patriotism and cosmopolitanism as leading in the same direction, and this makes it even *desirable* that people elsewhere adopt the maxim of civic patriotism. Republics are by nature more peaceful than tyrannies, Kant argues, because citizens would have a vote as to whether or not the state will start a war, and having to shoulder the burdens of war themselves, they are unlikely to vote in favor of it (PP VIII, 351). Tending towards peace, republics are more likely to further the cause of a League of States and promote the cosmopolitan goal of perpetual peace, which in turn enhances the stability of the republics themselves.<sup>24</sup> In short, the more civic patriots of the Kantian sort there are in the world, the more people there are who support republican forms of government, and the closer this will get us to global peace. Conversely, Kant holds that opposing the patriotic good to the cosmopolitan good involves a misunderstanding of the former and is self-destructive in the long run, because cooperation is good for all involved. He gives the example of the Greeks, who in his view "expressed no benevolence towards foreigners, and who instead labeled foreigners as enemies: This was a prominent source of the decline of their state, because this produced ... hostility, jealousy, and a tendency to oppose the interest of foreign states." (MM Vig, XXVII, 2.1,674).

Third, according to Kant there is no *inherent* and *necessary* conflict between civic patriotic and cosmopolitan imperfect duties, for it is not difficult to think of situations in which the two are compatible or in which both can be fulfilled at the same time.<sup>25</sup> For example, in promoting the justice of one's own republic, one can strive to make it more just in its dealings with other states. Moreover, since imperfect duty is the duty to adopt a certain maxim, not a duty to do a certain act, Kant considers it to be not wrong not to act on a particular maxim on some occasions (provided one's failure to act on the maxim does not stem from a failure to adopt it, MM VI, 390). This implies that it is not wrong not to act on one's maxim of civic patriotism in

<sup>24</sup> Many people have followed Kant here, arguing that democracies do not wage war or at least do not wage war against each other. But this claim is too optimistic. This is shown by the example of the assassination of Salvador Allende. While the United States did not *declare* war, this could nevertheless be called an act of war.

<sup>25</sup> See Onora O'Neill: Instituting Principles. In: *Kant's 'Metaphysics of Morals'*, edited by Nelson Potter and Mark Timmons, *Southern Journal of Philosophy* 36, supplement (1997, 79–96).

favor of some cosmopolitan end, or vice versa, provided one has indeed adopted both maxims, from duty. Thus, again, there is no true conflict of duties at issue here, and the duty of civic patriotism is compatible with one's cosmopolitan duties.

### B. Kant on Nationalist Patriotism as a Duty

Kant's argument for the duty of nationalist patriotism is found in the *Metaphysics of Morals* *Vigilantius*, in the section on the 'love of humans'. Kant here claims that we have a 'duty of love' towards our co-nationals, a duty that Kant claims is based on "common ancestry" (see the passage quoted above, MM Vig XXVII. 2.1, 673). He does not mean to say that we ought to have certain feelings towards our co-nationals. Rather, what he means by a 'duty of love' is a duty of beneficence.<sup>26</sup>

To defend the existence of a duty of love towards co-nationals, Kant first argues that the exclusionist attachment to groups such as sects is detrimental to one's general love of humankind; it leads the people who are afflicted with it to act as if they were not members of humanity as a whole and as if they needed to care about no one else but their particular group (MM Vig XXVII. 2.1, 673). He then continues by saying that the "*Weltliebhaber*" – that is, the person without affection and devotion for anyone except the world or humanity at large – "deserves censure too," because "it cannot but be the case that, because of too much generality, he scatters his affection and entirely loses any particular personal devotion". Therefore, Kant concludes, the "love of one's country" (*Vaterlandsliebe*) is a duty (MM Vig, XVII, 2.1, 673).

The argument here rests on an empirical psychological premise. Kant assumes that practical love needs to crystallize around or focus on some particular subset of humans towards which one feels an emotional attachment, because the lack of any such focus threatens one's efforts to do one's duty. The problem Kant sees is not a lack of effectiveness (as when I have \$100 to give and I plan to divide it evenly among all people on the planet to further their well-being). Rather, Kant seems to be arguing that it is psychologically impossible for personal affection or devotion to accompany one's beneficence if this beneficence is directed at humanity at large, that the complete lack of any such personal affection constitutes a hindrance to moral action, and that this lack of focus ought therefore to be avoided. This explains why Kant would regard the lack of personal devotion as a reason for censure. In short, his argument is that because the lack of focus on the part of the *Weltliebhaber* leads to impassiveness, and because impassiveness constitutes a hindrance to moral behavior, it is morally required to give one's moral universalism a particular focus, more specifically, a patriotic focus.

Before I move to the glaring problems with the very last inference, let me draw attention to an important feature of patriotism that is implied by Kant's argument

<sup>26</sup> I return below to Kant's distinction between love as feeling and 'practical love' or beneficence in the discussion of trait-based patriotism.

thus far, namely, its non-sectarianism. It follows from his line of argument that the particular group to which one devotes oneself should be non-sectarian, where sectarian groups are defined as groups that create an opposition between the members of the group and the rest of humanity and that attribute to the members of the group a higher moral standing than to non-members. When Kant designates one's own country as the appropriate focus of one's moral beneficence and argues that patriotism is a duty, his clear assumption is that patriotism is not sectarian in this sense. This is also implied in the fact that the focus on one's country is justified not in itself, but on the basis of its furthering practical love (beneficence) in general. The patriot should have the corresponding intention: "in being devoted to his country, he should be inclined to further the well-being of the whole world" (MM Vig XXVII. 2,1, 673–4).<sup>27</sup> This implies that patriotism ought not to go against the demands of cosmopolitanism, and it rules out "deluded" forms of patriotism (such as the "*Nationalwahn*" mentioned at the beginning of this essay).

There are, however, some serious problems with Kant's argument. The first to mention is the slippage between "common ancestry" and "country". Kant starts the argument by talking about patriotism as based on common ancestry, but he ends by phrasing it in terms of a devotion to one's country. This is valid only if one assumes that the boundaries of nations and states coincide and that nations do indeed have common ancestry. These were (and still are) widespread assumptions, but it has been amply shown that in most cases they are false. That the boundaries of nations and states do not necessarily coincide is easily illustrated by a current example such as that of the Kurdish people. That the members of a nation do not always actually share a common ancestry is a point made often in the current debate about the proper understanding of the notion of the nation.<sup>28</sup>

The most fundamental problem with Kant's argument, however, is that it is unclear why the necessary focus of the general love of humans would require a focus on one's *country* and not on some other non-sectarian subset of humanity. Kant equates the necessity of giving one's moral action *a* focus with giving it a *patriotic* focus; but this equation is unwarranted.

Perhaps Kant's focus on one's country is motivated by the idea that the appropriate subgroup smaller than humanity as a whole is the one that is *the largest* group that an individual can still feel personal devotion to. But this idea is mistaken. Different groups whom one might wish to benefit may actually be larger than one's country, depending on which group one is talking about and which country one lives

<sup>27</sup> The use of the term "inclination" here is puzzling. Instead of "muss Neigung haben" one would have expected "soll zu seinem Zweck machen". It is clear from Kant's discussion that he is speaking of a moral duty; it is not clear whether the expression stems from Kant, from Vigilantius, or from one of the other persons who handled the manuscript. See the editor's introduction in XXVII. 2.2., p. 1045–6.

<sup>28</sup> See, e.g., Benedict Anderson: *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1991. In this essay, I assume for the sake of argument that it makes sense to speak of nations.

in. For example, one can well imagine moral agents who feel a morally inspired personal devotion to improving the lot of AIDS orphans; yet the number of AIDS orphans in the world is much larger than that of the inhabitants of some countries on our globe. So perhaps Kant's argument might (wrongly) persuade someone in China, but it doesn't work for Norwegians. In sum, Kant's argument in the *Metaphysics of Morals* *Vigilantius* is insufficient to justify a duty to nationalist patriotism.

It is possible that Kant realized this. Significantly, he drops the duty of nationalist patriotism entirely in the *Metaphysics of Morals*, which he published a few years after the lectures were held. The discussion of the duty of benevolence in the book runs parallel to that of the lectures in many respects. But in the *Metaphysics of Morals*, Kant leaves out nationalist patriotism entirely. Instead, he substitutes a different psychological claim. He now holds that acting on one's duty of beneficence will eventually lead to a feeling of love: "*Beneficence* is a duty. If someone practices it often and succeeds in realizing his beneficent intention, he eventually comes actually to love the person he has helped." (MM VI, 401). This love subsequently makes it easier to do one's duty. Thus, on this view all the affectionless *Weltliebhaber* would need to do is decide on a focus for moral benevolence, and affection will follow.

With this change, Kant does not just omit the argument for the duty of nationalist patriotism from the *Metaphysics of Morals*. Rather, by dropping the very idea that emotional attachment to the object of one's beneficence is subjectively necessary to do one's duty, he takes away the very basis for the older argument.

Despite the fact that Kant drops his defense of a nationalist patriotic duty in the published version of the *Metaphysics of Morals*, he keeps using the analogy between the country and a family. Given that nationalist patriotism is often defended by pointing to one's duties towards one's family members and arguing that one has analogous duties one's co-nationals, one might wonder whether Kant's use of the family analogy shows that he still implicitly defends a version of nationalist patriotism in his later work.

Kant uses the family analogy in several places. He refers to the republic as the "maternal womb" and the "paternal ground" (TP VIII, 291). In the *Metaphysics of Morals*, Kant speaks of the treatment of citizens "as members of one family, but also as citizens of the state" (VI, 317). And elsewhere in the *Metaphysics of Morals*, he writes:

As natives of a country, the people who constitute a nation [*Volk*] can be conceptualized by analogy with the offspring of a common *ancestry* (*congeniti*), even though they are not: yet in the intellectual and juridical sense they can be regarded as born from a common mother (the republic), as constituting as it were a family (*gens, natio*), whose members (citizens) are all of equal birth [*ebenbürtig*]. (MM VI, 343)

Does this mean that Kant follows the nationalist patriots in their assumption that national membership brings with it special duties toward co-nationals analogous with special duties that come with family membership? The crucial question here is *in what regard* the family and the nation are analogous. Defenders of nationalist pa-



triotism take the two as analogous insofar as both are claimed to imply *special duties* on the part of their members toward co-members. But this is not what Kant has in mind here. Instead, the analogy lies in the fact that all members are of *the same rank*. Membership in a republic should be understood as analogous with the shared birthright that comes from a shared ancestry. Just as all children in a family are of the same social class, all citizens in a republic are equal. Kant uses the telling term ‘*ebenbürtig*’, which carries the connotations of equality and of shared family origins in its meaning. So the mere comparison of a people with a family does not make Kant a nationalist patriot.

### C. Trait-based Patriotism

I suggested above that although Kant does not explicitly declare himself to be a trait-based patriot, he may have been one. The question here is whether Kant could consistently defend this third kind of patriotism as a duty. To this end, we need to take a closer look at his views on love. Kant draws a distinction between love as feeling (‘pathological love’) and love based on moral duty (‘practical love’). Love as feeling cannot be morally commanded, because it is not within our power to have certain feelings on command. Love in the moral sense, on the other hand, is within our power:

*Love* is here not understood as *feeling* (*aesthetically*) that is, as pleasure in the perfection of others; love is not to be understood as *delight* in them (since one cannot be put under obligation by others to have feelings). It must rather be thought as the maxim of *benevolence* (as practical), which results in beneficence. (MM VI, 449)

It is clearly love in the first, ‘pathological’ sense that is involved in patriotism of the third kind, i.e., the love of one’s country inspired by one or more of its characteristics.

This means, however, that trait-based patriotism cannot be a duty, on Kant’s view, and the reason is a simple one. Different traits appeal to different people, and this form of patriotism is explicitly grounded in feeling and the contingencies of individual psychology. Therefore, it cannot be the object of a general duty. Since trait-based patriotism per definition originates in feeling, and because one cannot be morally required to have certain feelings, it is not a duty on Kantian grounds.

## IV. The Permissibility of Patriotisms

I have argued that civic patriotism is the only form of patriotism that Kant can consistently defend as a duty. Kant’s defense of the duty of nationalist patriotism fails, and his theory does not leave room for a duty of trait-based patriotism. But this does not mean that nationalist and trait-based patriotism are prohibited. For

one thing, on Kant's view it is not prohibited to act from inclination, provided one acts "in accord with duty", that is, in outward compliance with what duty demands (cp. *MM* VI, 390). If one helps one's compatriots out of a trait-based feeling of affection for them, this does not have any moral worth, but it may be in accord with duty and therefore allowed.

Second, Kant's moral theory may even leave room for a kind of nationalist or trait-based patriotism that has moral worth. Kant himself provides an example of what the combination of permissible patriotism and cosmopolitanism may look like in practice, in a letter regarding a certain Bötticher who invented a spinning machine.<sup>29</sup> Bötticher's prototype is easier to use and produces more and better yarn than current models, so the design promises progress all around. As a citizen of the world, Kant says, Bötticher would like to promote progress and sell his design for the machine somewhere. But as a patriot, he reports, Bötticher would most like to do so in Prussia, and Kant takes it upon himself to lobby on his behalf. Provided Bötticher does not allow the prospective Prussian owner of the design to restrict the sale of the machine to Prussia or to establish a monopoly, this is one example of how patriotism and cosmopolitanism can go together. We are not given enough details to decide which of the kinds of patriotism is on Bötticher's mind. But this case could count as an example of patriotic preference that could fit under each of the three, depending on the particulars of the situation.

Suppose for the sake of argument that Bötticher loves Prussia for some of its characteristics, that he is also firmly committed to the cosmopolitan moral principle that one ought to promote the happiness of others, and that by selling his spinning machine design he will indeed promote the happiness of others. If it is his moral maxim to promote the happiness of others that motivates him to sell the design (and not, say, a desire for money), then he acts from duty and his action has moral worth. Now when it comes to deciding where to sell it, he realizes that he has a special affection for Prussia that he does not have for other countries in which he might equally well find a developer to produce his machine. If he decides to try it in Prussia first because of his trait-based patriotism, this will not reduce the moral worth of his action. On Kant's view, the moral worth of his action is determined by the fact that he acts on the maxim to promote the happiness of others. Thus, it seems that Kant is committed to the view that when moral deliberation leads one to judge that multiple courses of action are equally in line with one's moral maxims, one's love of country may help decide which one to choose. But it is important to note that it would be equally permissible for Bötticher to sell his design somewhere else in the world, provided it would promote the happiness of others there too. The moral worth of his action does not depend on his patriotism, but on his underlying maxim to promote the happiness of others, from duty.

Of course, if patriotism today is treated with suspicion by many, this is because many acts have been committed in its name that were not in accord with duty at all,

<sup>29</sup> To David Friedländer, 6 November, 1787 (X, 502–4).

and that instead were unjust to other states and nations or the individuals therein – or even to individuals within the state who were claimed to be a threat to the fabric of the state or the nation. All too often patriotism has degenerated into a fanaticism that attributes a higher moral standing to compatriots and co-nationals than to other human beings. And in such cases, it violates the basic tenets of Kant's moral and political theory. What I have argued in this essay, however, is that Kant's moral and political theories do leave room for permissible forms of patriotism, and even for a form that is a duty, namely, civic patriotism.<sup>30</sup>

<sup>30</sup> I am grateful for a Summer Stipend from the National Endowment for the Humanities, which supported an work on this essay.